

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civ. No. 5:16-cv-235-FL

BARBARA J. MCGATHY,)	
Plaintiff,)	
)	ORDER
vs.)	
)	
NANCY A. BERRYHILL,)	
Acting Commissioner of)	
Social Security,)	
Defendant.)	
_____)	

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$10,720.00. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$2,519.20.

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$10,720.00, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this 17th day of October, 2018.



LOUISE W. FLANAGAN
United States District Judge